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LETTER DATED 11 APRIL 1997 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of an aide-mémoire issued by the Government of the Federal Republic of Yugoslavia concerning the situation in the region of Eastern Slavonia, Baranja and Western Sirmium (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

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Annex

Aide-mémoire dated 11 April 1997 by the Government of Yugoslavia

In its statement No. 3 on the documents programme for the region of Eastern Slavonia, Baranja and Western Sirmium of 9 April 1997, circulated as an official document of the Security Council (S/1997/294), the Government of Croatia claims that 119,112 domovnicas, 30,426 naturalization documents and 93,846 identification cards had been issued as at 6 April 1997. It goes on to say that two thirds of the documents were issued to pre-war residents of the region and one third to persons who had moved into the region since 1991. It concludes that "the total number of issued domovnicas compares very favourably" with the number of residents in the region.

The Croatian data are in contrast with the data in possession of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). According to the Croatian data, 184,643 residents lived in the region before 1991. (Even according to previous Croatian statements, 193,513 residents lived there before 1991.) According to the UNTAES data of 1 February 1997, 169,585 residents live in the region, while 96,000 persons who lived there before now live outside the region. By simply adding the number of present residents of the region (169,585) and the number of the former residents who now live outside it (96,000), one arrives at a total of 265,585, so the Croatian statement to the effect that two thirds of documents were issued to pre-1991 residents and one third to persons who moved into the region subsequently sounds less than logical.

It is significant that the Government of Croatia provides no information in its statement about the nationality of the applicants and of those to whom the documents have been issued, which leads to the conclusion that most of 119,112 domovnicas and 93,846 identification cards issued have in fact been issued to applicants other than Serbs. This is borne out by the fact that only 39,000 Serbs have been registered to vote in the region, for which, it is recalled, possession of both documents is required. It is also recalled that applications for the issuance of documents have been processed for those residents who left the region in 1991 and who, according to Croatian sources, number 96,000.

It is a fact that owing to the lack of readiness of the Croatian authorities to process the applications of the Serbs for the issuance of domovnicas and identification cards, which are the basis for the registration of Serbs on the voters' lists, the United Nations Transitional Administrator, Mr. Jacques Klein, was compelled to extend the voter registration deadline for the upcoming local elections on two occasions (most recently on 4 April 1997), which gives credence to the justified suspicion that the number of Serbs entered on the voters' lists provided by the Croatian side is not credible.

Croatia seeks also on this occasion to shift its obligations towards its citizens vis-à-vis the protection and the disposal of their property onto the international community. The statement of the Government of Croatia to the effect that "the international community and the Government of Croatia will need to find ways to balance properly the efforts on behalf of the Serbs in the

region with the efforts on behalf of 96,000 mostly non-Serb displaced persons and refugees who have been waiting for almost five years to return to their homes in the region" can be understood in no other way.

It is obvious that rather than balancing international efforts, the Government of Croatia should enable all Serbian expellees and refugees now living in the region to return free and safe to the homes that they had to flee in the wake of the Croatian military intervention and to grant them fair compensation for destroyed property. This is not an obligation of the international community, but of Croatia. Also Croatia must revoke its laws denying the Serbs the right to enjoy their property. In addition, it would have to stop altering the demography of the regions settled predominantly by Serbs by settling them with Croatian refugees from Bosnia and Herzegovina. (See the relevant reports of the Special Rapporteur of the United Nations Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia and of the Organization for Security and Cooperation in Europe (OSCE).)

The fact that out of the total number of 48,000 Serbian refugees from other parts of Croatia who are, according to the UNTAES data, now living in the region of Eastern Slavonia, Baranja and Western Sirmium only 8,000 have been entered on the voters' lists is telling evidence that the criteria for voter registration used by Croatia (proven stay in the region) are susceptible to various abuses, administrative delays and arbitrary denial of voter registration. This is also pointed out in the statement by the President of the Security Council of 7 March 1997 (S/PRST/1997/10), in which Croatia is called upon "to meet all preconditions, including the issuance of documents", while concern is expressed that "implementation of these procedures has been uneven". Croatia is also urged to redouble its efforts to ensure the completion of the necessary preconditions for holding free and democratic elections. The use of the expression "naturalization documents" is inadequate, considering the fact that the persons who are being granted Croatian citizenship by the Government of Croatia are citizens of Croatia and not of any other country. In using the expression, the Government of Croatia is wittingly disregarding the fact that of 30,426 "naturalized" persons only 8,000 have been enabled to exercise their right to participate in the elections.

The assertions that President Tudjman and the Government of Croatia have encouraged the Serbs on numerous occasions to stay in Croatia is in stark contrast with the actual state of affairs. The Serbian refugees from Croatia are called by President Tudjman "optants" rather than refugees, while he terms their forced exodus under duress "voluntary departure". In his statement in Osijek on 26 February 1997, however, United States Ambassador to Croatia Peter Galbraith stated, inter alia, that those people were no optants and that they had in fact fled the imminent war and subsequent events in the Krajina, while the systematic burning of their homes and large-scale killings proved that the fears of Serbs had been justified. It is further recalled that the chairman of the Croatian Helsinki Committee accused the Government of Croatia of instigating lawlessness and crime in the Krajina and Western Slavonia.

The public statements of the Vice-President of the Government of Croatia, Ivica Kostović, to the effect that displaced Serbs cannot be treated in the same

way as refugees of Croatian nationality and that forms used for Serbs should be different from those used for Croats are also widely known. Zvonimir Puljić, the Government Commissar at Knin, made a public statement (known also to the OSCE High Rapporteur for the question of minorities, Mr. van den Stoschlom) to the effect that Serbs cannot and must not return to their homes even though they may be empty, since they will be treated as looters. This applies also to Serbs from Eastern Slavonia. Many other Croatian officials have made similar statements, which are far from being of a sort to "encourage" the Serbs to stay in, or return to, Croatia.

The assertion that 14,459 Serbian refugees have returned to Croatia is fully denied in the report of the Special Rapporteur of the Commission on Human Rights, Ms. Elisabeth Rehn, in which it is stated that only 2,000 Serbs have returned to Croatia, only 55 of them through the Office of the United Nations High Commissioner for Refugees (UNHCR) offices. In that context, it should be borne in mind that over 350,000 refugees from Croatia have found refuge in the Federal Republic of Yugoslavia and that they are bereft of any possibility of returning to their ancestral homes as the Croatian Embassy in Belgrade refuses to issue them the necessary documents. Croatia continues to turn a deaf ear to the positions of the European Union, presented in its statement of 11 February 1997 (A/52/78-S/1997/133, annex), in which the right of Serbian refugees from Croatia now living in neighbouring countries to citizenship, safe return to Croatia and participation in the forthcoming elections was reaffirmed. Furthermore, Croatia refuses to act upon the statement by the President of the Security Council of 7 March 1997 (S/PRST/1997/10) in which "the right of all refugees and displaced persons to return to their homes of origin throughout the Republic of Croatia and to live there in conditions of security" is reaffirmed.

Against a backdrop of a myriad of facts that show it to be vacuous, the assertion quoted from the studies of an unnamed Western institution to the effect that "Croats are among the most tolerant of publics in Europe in their views on minorities" rings very hollow indeed. In making this statement, its authors must bear in mind that over 350,000 Serbs have been expelled from Croatia, that columns of unarmed civilian refugees, fleeing the Croatian military, were strafed, shelled and shot at by other weapons in a most brutal manner on their way to Bosnia and Herzegovina and Yugoslavia and that many of them lost their lives. According to a Croatian Helsinki Watch report, about 2,000 Serbs were killed after Croatian military operations in Western Slavonia and the Krajina, 500 of them in Western Slavonia. The Serbs who decided to stay in Croatia are exposed to various forms of pressure, threats and all forms of discrimination, including physical liquidation, which was pointed out also by United States Ambassador to Croatia Peter Galbraith in his statement in Osijek on 26 February 1997. On that occasion he expressed the grave concern of the United States that a large number of Serbs outside Croatia, in possession of Croatian citizenship or fulfilling all the conditions to acquire it, were being prevented from returning to Croatia.

The Special Rapporteur of the Commission on Human Rights, Ms. Elisabeth Rehn, pointed out in her letter to the Chairman of the Commission of 4 April 1997 that there existed many reasons for serious concern over the lack of respect for human rights in Croatia. This is documented by the fact that the Serbs in the Krajina are living in a psychosis of fear and continue to

be victims of violence motivated by ethnic differences. Particularly serious is the situation in the former Sector South (Knin), in which systematic destruction of Serbian property and violence against Serbs is continuing. It is noted that an ever greater number of Croatian refugees and displaced persons are coming to the Krajina and moving into Serbian houses. The Special Rapporteur records her deep disappointment at the realization of a great aversion of many Croats towards the return of Serbs.

These statements put the Croatian assertion that "Croats are among the most tolerant of publics in Europe" into proper perspective.

The Federal Republic of Yugoslavia has proposed to Croatia to conclude a series of agreements aimed at strengthening the legal basis for inter-state, good-neighbourly and stable relations. Bearing in mind the real problems of the Serbs in Croatia, particularly in the region of Eastern Slavonia, Baranja and Western Sirmium, and the artificial barriers to the safe return of over 350,000 refugees from various parts of Croatia who are now sheltered in the Federal Republic of Yugoslavia, it has been proposed that the countries conclude an agreement on double citizenship. The Federal Republic of Yugoslavia is of the opinion that the conclusion of such an agreement would contribute to the promotion of relations and the feeling of security of Serbs in Croatia, particularly in the region of Eastern Slavonia, Baranja and Western Sirmium, and to refugees desirous of returning to Croatia. To that end, the Federal Republic of Yugoslavia will continue its engagement in bilateral contacts, paying full heed to the pursuit of any other alternative avenue open to it.

The Federal Republic of Yugoslavia calls for the removal of all barriers and administrative and psychological or political obstacles to a free and organized return of refugees to their original places of residence in Croatia. The return should evolve with the involvement, assistance and monitoring of the international community, primarily UNHCR and OSCE, to which Yugoslavia is ready to render appropriate assistance, either directly or in the framework of a continued development of bilateral Yugoslav-Croatian relations. In doing so, the Federal Republic of Yugoslavia is proceeding from its deep conviction that by means of free and safe return of refugees and genuine guarantees for their safety, with international monitoring, the conditions are being created and promoted for lasting stability and good-neighbourly relations in the region.